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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,629	08/03/2001	Jay Levenson	011151	7517

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BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 301 GRANT STREET
20TH FLOOR
PITTSBURGH, PA 15219

EXAMINER

BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,629

Applicant(s)

LEVENSON ET AL.

Examiner

Bradley Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/18/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-28 are presented for examination on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In independent claims 1, 16 and 25 the applicant refers to a plurality of subordinate purchasing cards linked to said master purchasing card **or** to others subordinate purchasing cards in a tree-like fashion. The applicant's use of the phrase "tree-like fashion" is vague and indefinite. A possible scope of the claim would provide a disconnect between the "master purchasing card" and the "subordinate cards." As written, "subordinate" cards need not be connected to a "master"-purchasing purchasing card. If so, the applicant must provide each and every essential element/step of the proposed claims so that there are no gaps between the steps/elements.

Claim 1 recites the limitation "said authorizing purchasing card" in line 6. There is insufficient antecedent basis for this limitation in the claim. Since the applicant refers to multiple purchasing cards (master, subordinate, authorizing) in the claim, the applicant must distinctly point out each purchasing card so that the claim is not rendered vague and indefinite.

Claim 10 recites that "interfaces to outside entities are monitored for performance and further unacceptable performance is reported." The examiner cannot understand the scope of

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this claim. How is the applicant evaluating third party "interfaces?" What renders it unacceptable and reported? It is vague how this element is connected to the others elements claimed in the invention and what the applicant is referring to as a "performance" standard.

Claim 11 recites a software application establishing communication with a bank and refers to claim 9 wherein the communication is described as being encrypted and secure. The applicant must provide a link between the two claims if they are to depend on each other. (See explanation of claim 12 below.)

Claim 12 recites "...wherein said software application instructs said bank to move funds between said bank account and said purchasing cards to cover expenditures made using said purchasing cards." Firstly, claim 12 refers back to claim 10, which describes a performance monitoring, and reporting function that does not appear to be connected in function. If the applicant would like to claim such a connection, the claims would have to be amended so as to show such a connection. Secondly, it is unclear how the "software application *instructs* said bank to move funds between said bank account and said purchasing cards to cover expenditures made using said purchasing cards." The applicant must provide the all-essential elements/steps in the claims so that there are not gaps and the claims are not rendered vague and indefinite.

The applicant contends in claim 15 that the "credit card processor advises said software application of purchases made..." It is vague and indefinite how the credit card processor is advising software regarding purchases and which purchasing card to use.

Claim 25 refers to "creating a master purchasing card linked to said bank account" and "creating a plurality of subordinate purchasing cards." It is unclear what the applicant means by

the term create. Does the user in actuality create a virtual card or is such a card issued by a third party institution or is the user merely linking an existing card to an existing account?

The above claims are provided as a guide so that the applicant can amend claims accordingly and are not a complete representation of each and every claim. The applicant is advised to review each and every claim to ensure that it is dependent on the proper claim, check for proper antecedent basis, and replace any vague terminology and provides all essential elements/steps leading up to each claim so that no gaps exist between the essential elements/steps.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-23, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Slater, U.S. Patent 6,098,053.

As per the following claims, Slater discloses:

1. A system for the payment of petty cash disbursements comprising: a master purchasing card linked to a bank account; and a plurality of subordinate purchasing cards linked to said master purchasing card or to other subordinate purchasing cards in a tree-like fashion; wherein any of said purchasing cards may authorize the movement of funds from itself to any subordinate purchasing card having a link to said authorizing purchasing card (column 5, lines 40-65; figures 2-4 and associated text).

2. The system of claim 1 wherein each of said purchasing cards has an expenditure limit (column 7, line 65 – column 8, line 28).
3. The system of claim 1 wherein any of said purchasing cards may create and break links to or from subordinate purchasing cards (column 1, lines 40-54; column 10, lines 33-67).
4. The system of claim 2 wherein requests for the modification of the said expenditure limit for any subordinate card and the authorization of said modification can be accomplished in real time (column 10, lines 33-67).
5. The system of claim 4 wherein said requests and said authorizations are facilitated by a web site available over the Internet (column 5, lines 40-60; column 11, lines 39-45).
7. The system of claim 2 further comprising a software application running on a computer system (column 7, lines 41-64).
8. The system of claim 7 wherein said software application may establish communications with outside entities (column 8, lines 3-51).
9. The system of claim 8 wherein said communications with outside entities are: encrypted prior

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to sending and decrypted after receiving to ensure data integrity and security; and entered into a log file for audit and customer support purposes (column 8, line 29-column 9, line 12).

10. The system of claim 8 wherein interfaces to said outside entities are monitored for performance and further wherein unacceptable performance is reported (figure 1 and associated text).

11. The system of claim 9 wherein said software application establishes communication with a bank, said bank maintaining said bank account (column 5, line 40 – column 6, line 44).

12. The system of claim 10 wherein said software application instructs said bank to move funds between said bank account and said purchasing cards to cover expenditures made using said purchasing cards (column 4, line 1-65).

13. The system of claim 9 wherein said software application establishes communications with a credit card processor (column 10, lines 33-67).

14. The system of claim 13 wherein said software application can instruct said credit card processor to modify said expenditure limit for any of said purchasing cards (column 7, line 65 – column 8, line 28).

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15. The system of claim 13 wherein said credit card processor advises said software application of purchases made using any of said purchasing cards (column 7, lines 25-65).

Claims 16-23 are directed to a computerized system as above and are rejected on the same grounds as above (see corresponding claims with regards to §112 and 102 rejection).

25. A method for the payment of petty cash disbursements comprising the steps of: establishing an account at a bank; creating a master purchasing card linked to said bank account; creating a plurality of subordinate purchasing cards, said subordinate purchasing cards being linked to said master purchasing card or to other subordinate purchasing cards in a tree-like fashion (column 5, lines 40-65; figures 2-4 and associated text).

26. The method of claim 25 wherein each of said purchasing cards has an expenditure limit, further comprising the steps of: electronically transferring instructions to an external credit card processing entity regarding changes to said expenditure limit for said plurality of purchasing cards; electronically receiving from said external credit card processing entity information regarding approved purchases for said plurality of purchasing cards; and electronically transferring instructions to said bank regarding the transfer of funds from said bank account to said plurality of purchasing cards to cover purchases made therewith (figures 4a-c and associated text; column 10, lines 33-67).

27. The method of claim 26 further comprising the step of maintaining a web site wherein

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secured instructions are received regarding: changes in expenditure limits for said purchasing cards; and said linking of any of said purchasing cards to any other of said purchasing cards (figures 2a-c, 3 and associated text).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater, in view of Madan et al., U.S. Patent 6,581,035 B1.

Slater discloses a system/method/computerized system for payment by establishing an account at a bank; linking a purchasing card to said bank account; linking a plurality of other payment cards to said account and thus authorizing a transaction with predefined spending limits from a subordinate card to said account (column 5, lines 40-65; figures 2-4 and associated text). Slater does not explicitly disclose the use of voice recognition software and technology to accomplish such transactions. Madan et al., however, teaches a system and method for voice-enabled transactions wherein user instructions, commands and ultimately transactions can be accomplished utilizing the user's voice (see abstract; figure 2 and associated text). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Slater's system and method for performing financial transactions to utilize Madan's voice-recognition

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mechanism to provide another method of identity verification and authentication so as to provide a more secure financial transaction, as per teachings of Madan et al.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Patent No. 6,173,269 B1 to Solokl et al.
- Patent No. 5,914,472 to Foladare et al.

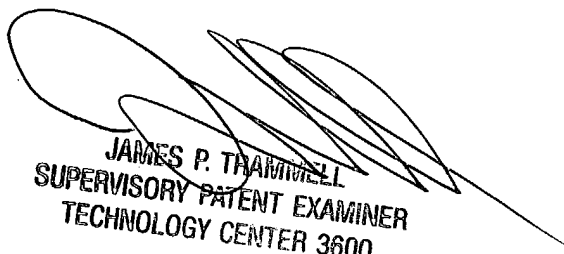
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bbb



JAMES P. THAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600